

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	
v.)	1:06-cv-55 \ 1:91-cr-24
)	<i>Mattice</i>
KEENAN KESTER COFIELD)	

MEMORANDUM

The Court has received a second or successive motion to vacate, set aside, or correct sentence filed under 28 U.S.C. § 2255 from Keenan Kester Cofield (“Cofield”) (Court File No. 1). Cofield challenges his 1991 conviction for wire fraud in violation of 18 U.S.C. § 1343. Following the Sixth Circuit’s decision affirming his conviction, Cofield began filing numerous lengthy motions which the District Court treated as motions pursuant to 28 U.S.C. § 2255. *See United States v. Cofield*, Criminal Action No. 1:91-cr-24 (E.D. Tenn.1993). The criminal docket sheet reflects that the Court dismissed Cofield’s § 2255 motion finding Cofield was not entitled to any § 2255 relief. The United States Court of Appeals for the Sixth Circuit affirmed the District Court’s dismissal of the motion. *See Cofield v. United States*, 37 F.3d 1498 (6th Cir. Oct. 6, 1994) (unpublished table decision), *available in* 1994 WL 548805

Cofield filed a second § 2255 motion on or about November 30, 1995. *See United States v. Cofield*, Civil Action No. 1:95-cv-454 (E.D. Tenn. 1995). The Court determined the motion was successive and an abuse of the procedure and denied the motion on or about November 30, 1995. The Sixth Circuit affirmed the denial of he § 2255 motion. *Cofield v. United States*, 113 F.3d 1234 (6th Cir. May 6, 1997) (unpublished table decision), *available in* 1997 WL 234613.

In accordance with the “Antiterrorism and Effective Death Penalty Act of 1996,” effective April 24, 1996, the petitioner cannot file a second or successive § 2255 motion in the district court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the district court to consider the motion. This Court has not received an order from the Sixth Circuit authorizing the Court to consider the pending motion.

Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** this action to the United States Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631. *See Sims v. Terbush*, 111 F.3d 45, 47 (6th Cir. 1997).

A separate order will enter.

s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE